

DANIEL L. HOVLAND

2018 WL 3221225

2018-3 Release
Almanac of the Federal Judiciary

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**EIGHTH CIRCUIT
DISTRICT OF NORTH DAKOTA
DISTRICT JUDGES**

DANIEL L. HOVLAND

Volume 1

Chief Judge; North Dakota

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Born 1954; appointed in 2002 by President G. W. Bush

Education Concordia College, B.A., summa cum laude, 1976; Univ. of North Dakota School of Law, J.D., with distinction, 1979

Clerkships Law Clerk, Hon. Ralph J. Erickstad, North Dakota Supreme Court, 1979-80

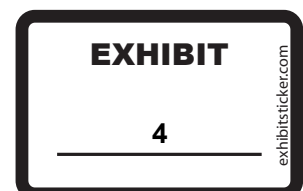
Private Practice Partner, Fleck, Mather & Strutz, Ltd., Bismarck, N.D., 1983-94; Partner, Smith, Bakke, Hovland & Opegard, Bismarck, N.D., 1994-02

Government Positions Assistant Attorney General, Office of the Attorney General for the State of North Dakota, Bismarck, N.D., 1980-83

Previous Judicial Positions State Administrative Law Judge, Office of Administrative Hearings, Bismarck, N.D., 1994-02

Honors and Awards Recipient, Burgum-Johanson Lawyer of the Year Award, State of North Dakota, 1982; The Outstanding Board or Commission for 2001 (Bismarck Park Board), National Award from the National Recreation & Parks Assn., 2001

Professional Associations North Dakota Bar Assn.; Minnesota State Bar Assn.



Other Activities Commissioner, Bismarck Park Board, Bismarck Parks & Recreation District, Bismarck, N.D., 1994-06; Member, North Dakota Parole Board, 2000-02

Publications *Sexual Harassment: What Employers and Risk Managers Need to Know*; Journal of Healthcare Risk Management (Summer 1995); *Sexual Harassment: What Employers Need to Know*; Vol. 44 The Gavel No. 1 (Dec. 1996-Jan. 1997); *Sexual Harassment--A Discrimination Issue*, City Scan (Dec. 1997); *Recognizing Conduct That May be Sexual Harassment*, City Scan (Jan.-Feb. 1998).

Lawyers' Evaluation Lawyers interviewed agreed that Hovland has excellent legal ability. "He's highly intelligent." "His level of legal ability is very high, very, very, very good." "He's really a credit to the bench, he's just excellent." "He has excellent legal ability." "He has excellent legal ability." "He's competent." "He is extremely bright."

Hovland has a superb courtroom temperament, lawyers said. "His courtroom demeanor is very appropriate; I have no complaints about that at all." "He has an excellent demeanor, super." "His demeanor is excellent, probably higher even than his legal ability." "He has an excellent demeanor." "He has a superb demeanor." "He is very courteous."

Lawyers said Hovland runs a very good trial. "He's who you want wearing the robe." "He's very thorough but very efficient." "He presides over trials very well." "He's probably one of the most conscientious and diligent judges I've ever seen."

Settlement is generally handled by the magistrate judge, according to lawyers interviewed. "He's never been personally involved in settlement with me, I think the magistrates do it." "It depends, if the case is assigned to the magistrate who would preside over the trial, there's an option that the district judge would do it." "Settlement is handled by the magistrate."

Civil practitioners said Hovland does not have any leanings. "He's pretty middle of the road, he's a moderate Republican." "He's fair to both sides." "I don't think he has leanings either way." "He leans neither way." "People think he's very fair and I agree." "There is a fairly large bias in favor of the defense; there are a very large number of summary judgments granted and dismissals under Rule 12 and there are certain types of cases where it's virtually impossible to survive to a jury trial."

Criminal defense lawyers said Hovland is very fair. "He's very fair, he's fair to everyone. He doesn't always rule for me but he tries to do the right thing always." "He leans neither way and he's very fair to the defendant."

Lawyers said that under the right circumstances Hovland is very fair at sentencing. "Sentencing is probably his strength, he almost always downward departs if he can. If someone's way out of line he'll give them a strong sentence, but if they enter a guilty plea and show remorse and are trying to turn their life around he will give them a fair shot." "If the right conditions are there and the defendant is working and staying out of trouble, you have a good chance of convincing him not to give jail time. He doesn't want to sentence someone to prison if it seems pointless." "I always tell my client to have a job when they appear before him for sentencing." "He'll spend a lot of time berating the uniform sentencing guidelines and saying his hands are tied and there's nothing he can do about them, and then he's just as apt to give a more serious sentence than what the guidelines call for."

Lawyers advised you be prepared and straightforward when appearing in front of Hovland. "He tends to be quick to make decisions." "Just be prepared." "Just be straightforward and a straight shooter, he respects that." "I kind of like him but I find it frustrating practicing with him."

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